

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ZACHARY LUTZ,**  
*Plaintiff,*

**v.**

**RAKUTEN, INC., et al.,**  
*Defendants.*


**: CIVIL ACTION**  
**:**  
**:**  
**:**  
**:**  
**: No. 17-3895**  
**:**

**ORDER**

**AND NOW**, this **22<sup>nd</sup>** day of **April 2019**, upon consideration of Defendants' Motion to Dismiss (ECF No. 42), Plaintiff's Response thereto (ECF No. 44), Defendants' Reply (ECF No. 45), and Plaintiff's Sur-Response (ECF No. 48), and in conjunction with the Court's accompanying Opinion, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss (ECF No. 42) is **DENIED IN PART** and **GRANTED IN PART**;
2. Defendants' Motion to Dismiss is **GRANTED** as to Defendant, Rakuten, Inc., only.  
Therefore, Rakuten, Inc. is **DISMISSED** from the instant action;
3. Defendants' Motion to Dismiss is **DENIED** as to Defendant, Rakuten Baseball, Inc.
4. Rakuten Baseball, Inc. must file an answer to Plaintiff's Complaint on or before May 6, 2019.

**BY THE COURT:**

  
CHAD F. KENNEY, JUDGE